

MINUTES OF THE STANDING COMMITTEE ON ENERGY AND TECHNOLOGY

Wednesday, November 9, 2005 9:00 a.m. Room 519 House Office Building, Lansing

Representative Nofs, Chair, called the meeting to order.

MEMBERS PRESENT: Representatives Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (19/19)

Representative Hunter made a motion to adopt the minutes of the meeting of November 2, 2005, supported by Representative Accavitti. No objections being offered, a unanimous ballot was cast to accept the minutes as presented.

The Chair laid SB 785 before the Committee.

SB 785 Bishop Children; protection; provision regarding civil actions based on computer crime in children's protection registry act; expand.

Sarah Damaske, representing Senator Bishop, spoke to the Committee regarding SB 785 and answered questions from members.

Erin Berry, representing UNSPAM, spoke to the Committee regarding SB 785.

Lisa Jordan, representing the Miller Brewing Company of Michigan, spoke to the Committee regarding SB 785.

Subsequent to discussion, Representative Proos made a motion to amend SB 785, supported by Representative Drolet, as follows:

1. Amend page 1, line 7, by striking out all of section 3.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Murphy, Mayes, Hunter, Hopgood, Clemente. (18/19)

Nays: None. (0/19)

Pass: None. (0/19) (18/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Murphy made a motion to amend HB 785, supported by Representative Clemente, as follows:

1. Amend page 1, line 4, after **"GAMBLING,"** by inserting **"ILLEGAL DRUGS,"**.
2. Amend page 4, line 23, after **"DESIGNATED"** by striking out **"ELECTRONIC MAIL ADDRESS"** and inserting **"CONTACT POINT"**.
3. Amend page 5, following line 15, by inserting:
"(7) IF A CONTACT POINT IS REGISTERED UNDER THIS ACT, A PERSON IS NOT EXEMPT UNDER SUBSECTION (6) UNLESS THE AGE-VERIFIED ADULT WHO CONSENTS TO RECEIVE MESSAGES IS THE SAME PARTY THAT REGISTERED THE CONTACT POINT."

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Murphy, Mayes, Hunter, Hopgood, Clemente. (18/19)

Nays: None. (0/19)

Pass: None. (0/19) (18/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Huizenga made a motion to amend SB 785, supported by Representative Schuitmaker, as follows:

1. Amend page 4, line 20, after **"(6)"** by striking out the balance of the subsection and inserting:

"IT IS NOT A VIOLATION OF THIS ACT TO SEND, CAUSE TO SEND, OR CONSPIRE TO SEND A MESSAGE DESCRIBED IN SUBSECTION (1) TO A CONTACT POINT IF A PERSON RESPONSIBLE FOR OR WHO HAS ACCESS TO THE CONTACT POINT IS AN AGE VERIFIED ADULT AND CONSENTS TO RECEIVING THE MESSAGE. AS USED IN THIS SUBSECTION, "AGE VERIFIED ADULT" MEANS A PERSON WHO IS NOT A MINOR AND WHOSE AGE HAS BEEN VERIFIED BY 1 OF THE FOLLOWING:

(A) AN INDEPENDENT DATA SOURCE.

(B) AT THE PLACE OF BUSINESS OF A PERSON THAT PROVIDES OR SELLS GAMBLING, ALCOHOL, OR TOBACCO IF THE BUSINESS ROUTINELY CONFIRMS THE AGE OF ITS CUSTOMERS BY REVIEWING A DRIVER'S LICENSE OR STATE IDENTIFICATION CARD."

UNFAVORABLE ROLL CALL:

Yeas: Representatives Drolet, Emmons, Huizenga, LaJoy, Stahl, Baxter, Moore, Schuitmaker. (8/19)

Nays: Representatives Nofs, Proos, Garfield, Palsrok. (4/19)

Pass: Representatives Accavitti, Murphy, Mayes, Hunter, Hopgood, Clemente. (6/19) (8/4/6)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Emmons made a motion to amend SB 785, supported by Representative Drolet, as follows:

1. Amend page 5, following line 15, by inserting:

“(8) IN NO EVENT SHALL THE REGISTRY BECOME OPERATIONAL UNLESS THE DEPARTMENT CAN VERIFY THAT NO THIRD PARTY CAN OBTAIN READABLE CONTACT POINT INFORMATION FOR AN ILLEGAL PURPOSE EITHER DIRECTLY FROM REGISTRY OR FROM PAID USERS OF THE REGISTRY.”.

At 10:45 a.m., Chair Nofs indicated that the Committee would stand in recess.

The Committee reconvened at 10:58 a.m.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Drolet, Emmons, Garfield, LaJoy, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Murphy. (12/19)

Nays: None. (0/19)

Pass: None. (0/19) (12/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Stahl made a motion to report SB 785 (H-1) with recommendation, supported by Representative LaJoy.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Drolet, Emmons, Garfield, LaJoy, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Murphy, Hopgood. (13/19)

Nays: None. (0/19)

Pass: None. (0/19) (13/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

The Chair laid HR 267 before the Committee.

HR 67 Gleason

A resolution to memorialize the Congress of the United States to provide incentives for the construction of new petroleum refineries in the United States and to urge the leaders of the petroleum industry to construct new refineries to meet our increasing energy needs.

Representative Gleason spoke to the Committee regarding the provisions of HR 67.

Representative Accavitti made a motion to adopt HR 67 (H-2), supported by Representative Garfield.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Murphy, Mayes, Hopgood. (16/19)

Nays: None. (0/19)

Pass: None. (0/19) (16/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Mayes made a motion to report HR 67 (H-2) with recommendation, supported by Representative Proos.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Huizenga, LaJoy, Stahl, Baxter, Moore, Accavitti, Dillon, Murphy, Mayes, Hunter. (13/0/0)

Nays: None. (0/19)

Pass: None. (0/19) (13/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

There being no additional business before the Committee, Chair Nofs declared the meeting adjourned, the time being 10:58 a.m.

Representative Mike Nofs, Chair

Catherine Petroskey, Committee Clerk
(517) 373-8538